

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

**NATALIA CEBOLLERO-BERTRAN,**

Plaintiff,

v.

**PUERTO RICO AQUEDUCT AND SEWER  
AUTHORITY,**

Defendants.

Civil No. 19-1412 (GLS)

**ORDER**

On April 29, 2019, Plaintiff filed a complaint against Defendant (hereinafter, “PRASA,”) alleging that PRASA was in violation of the Clean Water Act because it was discharging raw sewage in the vicinity of Plaintiff’s home and into the Buena Vista Creek. Docket No. 1 ¶ 22. PRASA answered the complaint on September 27, 2021. Docket No. 38. Discovery was set to conclude on February 28, 2022. Docket No. 30.

PRASA moved for summary judgment on November 28, 2022. Docket No. 43. On December 12, 2022, Plaintiff filed her first motion for an extension of thirty (30) days to oppose summary judgment and stated that “[she] is in the process of retaining an environmental engineering firm [...] to provide a report and submit affidavits regarding such exhibits, which will provide Plaintiff grounds to reply and oppose the motion [...]”. Docket No. 44 at 2. On December 14, 2022, the Court granted Plaintiff’s motion. Docket No. 45. On January 12, 2023, Plaintiff filed a second motion for an extension of thirty (30) days. Docket No. 46. On January 30, 2023, the Court granted Plaintiff’s motion. Docket No. 47. On February 6, 2023, Plaintiff filed a motion informing that the expert witness was evaluating the documents provided by Plaintiff and PRASA and would promptly issue an expert report. Docket No. 48. On February 10, 2023, Plaintiff filed a motion requesting an extension of fourteen (14) days to oppose summary judgment because her

expert had fallen ill. Docket No. 49. On February 10, 2023, the Court granted Plaintiff's motion. Docket No. 50. PRASA filed a motion on February 23, 2023 (before the deadline for Plaintiff to file her opposition), requesting that its motion for summary judgment be deemed unopposed and requesting that the Court disregard Plaintiff's expert report. Docket No. 51. The Court denied PRASA's request. Docket No. 55.

Discovery concluded on February 28, 2022. Docket No. 30. Plaintiff failed to announce her expert during discovery. However, the Court granted Plaintiff's requests for extensions to oppose summary judgment, which were premised on her need to retain an expert. Because Plaintiff's expert witness was not announced prior to the conclusion of discovery, PRASA will have an opportunity to conduct discovery regarding Plaintiff's expert witness and to announce an expert of their own, if deemed necessary. The Court adopts the deadlines set forth in the parallel case, Ramos-Carrasquillo et al v. Environmental Protection Agency et al, Civ. No. 19-2131, and establishes the following itinerary to guide these proceedings:

<b>September 29, 2023</b>	Plaintiff's expert reports
<b>November 13, 2023</b>	Defendant's expert reports
<b>December 29, 2023</b>	Conclusion of discovery
<b>January 29, 2024</b>	Dispositive motions
<b>February 26, 2024</b>	Joint Proposed Pretrial Order.

Consistent with the foregoing, PRASA's motion for summary judgment at Docket No. 43 is **DENIED WITHOUT PREJUDICE** and may be re-filed after the conclusion of discovery on December 29, 2024.

**IT IS SO ORDERED.**

In San Juan, Puerto Rico, this 15<sup>th</sup> day of September 2023.

s/Giselle López-Soler  
 GISELLE LÓPEZ-SOLER  
 United States Magistrate Judge